IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIFTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO: 14204 of 2004

Between:

Penkey Sreenu @ Srinivas S/o. Mavullayya
R/o. D.No. 45-5-22, Andhra Nagarm, Rajahmundry, E.G.District.

..... PETITIONER

AND

1 Supt of Police, East Godavari District, at Kakinada.
2 Sub-Divisional Police Officer, Rajahmundry, E.G. District.
3 Sub-Inspector of Police I town P.S., Rajahmuindry, E.G. Disrict.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus or any other appropriate writ, order or direction, declaring the action of the respondent 3 in opening the rowdy sheets against the petitioners as illegal, arbitrary, malafide and violative of principles of natural justice and for a consequential order directing the respondents 2 to 3 to delete the name of the petitioner from the rowdy sheets opened by the respondent No.3 and to close the same by following the due process of law.

Counsel for the Petitioner: MR.CH.DHANAMJAYA

Counsel for the Respondents: GP FOR HOME

The Court made the following:

HONOURABEL SRI JUSTICE V.ESWARAIAH

WRIT PETITION No. 14204 of 2004

ORDER:

To declare the action of the 3rd respondent-Sub Inspector of Police, I Town police station, Rajahmundry, East Godavari District, in opening the rowdy sheets against the petitioner, as illegal and arbitrary, the present writ petition has been filed.

2. It is evident from the record that a rowdy sheet was opened against the petitioner on 13-01-1993 under Order 742 of Andhra Pradesh Police Standing Orders (for brevity 'APPS Orders') as per the orders of the 2nd respondent-Sub-Divisional Police Officer, Rajahmundry, and the same is being continued from time to time.

3. Admittedly, as many as ten cases that were registered against the petitioner were all ended in acquittal as on
11-12-1998 and so far as the remaining four cases are concerned, wherein, the petitioner was bound over for a period of six months in 1997-98, was also over and as on today, no case is pending against the petitioner. Hence, it cannot be said that the petitioner is a habitual offender.

4. Therefore, in view of the fact that no case is pending against the petitioner, it is not just and proper entitling the police to continue the rowdy sheet pending against the petitioner, contrary to the Order 742 of the APPS Orders.

5. Accordingly, the writ petition is allowed, directing the 3rd respondent-Sub Inspector of Police, I Town Police Station, Rajahmundry, to close down the rowdy sheet pending against the petitioner. There shall be no order as to costs.

April 5, 2005

Kvr

The Rule nisi has been made absolute as above.

Witness the Hon'ble Sri Bilal Nazki, the Acting Chief Justice on this Tuesday, the fifth day of April, Two thousand and five.

To

1 The Supt of Police, East Godavari District, at Kakinada.
2 The Sub-Divisional Police Officer, Rajahmundry, E.G. District.

3 The Sub-Inspector of Police I town P.S., Rajahmuindry, E.G. Disrict.

4 Two C.Cs. to G.P. for Home, High Court Buildings,

High Court of A.P., Hyderabad (OUT)

5 Two C.D. Copies.

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